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SB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/254,005 03/01/99 ATARASHI

T 053451

EXAMINER

IM52/1011

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2100 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20037

KELLY, K

ART UNIT

PAPER NUMBER

1773  
DATE MAILED:

12

10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
09/254,005

Applicant(s)

Atarashi et al.

Examiner  
Kevin Kruer

Art Unit  
1773



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 30, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1, 3, and 5-8 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1, 3, and 5-8 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3, 5(1), 5(3), and 6-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Atarashi et al. (US 5,763,085). Atarashi teaches a powder having multilayered films on the surface, comprising a metal core having at least one metal oxide film thereon (abstract). The metallic oxide layers have a thickness of from 0.01 -20 microns (abstract), preferably 0.02-5 microns (col 6, line 9). The core is preferably magnetic and selected from the group consisting of iron, cobalt, nickel, etc. (col 5, lines 29-59). The coating(s) is a metal oxide may be dielectric (col 8, lines 40). The particles may be consolidated as a toner (col 9, line 37), a heat dissipating sheet (col 13, line19) or heat dissipation of electronic parts (col 13, lines 13-19).

With respect to the new limitation that "the coated powders constituting the consolidated material are arranged at the same distance from one another in a given direction and are united into said consolidated material while maintaining the same distance in a given direction," the examiner takes the position that toner transferred via a magnetic brush meets this limitation. Specifically, when a toner is transferred via a magnetic brush, the toner particles are evenly distributed (see US3,941,469; US3,654,902; and US3,557,751).

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*Response to Arguments*

The examiner would like to take this opportunity to address some of Applicant's arguments that might be relevant to the applied rejection.

Applicant argues that toners are usually stacked "like a stacked sweet cake." Though many color toners do press "base" color toners in specified ratios to obtain a desired color, for "base" color images or black-and-white documents, "stacking" is not utilized. Thus, the closest prior art is a "base" color or black-and-white image comprising a single layer of toner.

*Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703)305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

*KRK*  
Kevin R. Kruer  
Patent Examiner

*BCP*  
BLAINE COPENHEAVER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700